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NATIONAL INDIAN BROTHERHOOD

1ST FLOOR, BANKAL BUILDING, 102 BANK STREET, OTTAWA, ONTARIO K1P 5N4 (813) 236-0873
TELEX 053-3202

STATEMENT BY:

NOEL V. STARBLANKET
PRESIDENT
OF THE NATIONAL INDIAN BROTHERHOOD

ON THE

RIGHTS OF INDIAN WOMEN AND CHILDREN
UNDER THE INDIAN ACT

July 18, 1979
Ottawa, Ontario

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The white man's legislation known as the Indian Act has discriminated against both Indian men and Indian women. The National Indian Brotherhood therefore endorses the fight of Indian women for retroactive equality under the Indian Act. We support the Indian women's demand for justice.

The National Indian Brotherhood also supports the Federal Task Force on Canadian Unity's suggestion that "Indian men and women acquire and lose Indian status in exactly the same way". It is the view of the National Indian Brotherhood that Indian governments should legislate how Indian status will be acquired and lost. Governments traditionally have the authority to define their own citizenship. Indian governments should be no different. White governments have assumed the right of Indian governments to define Indian citizenship. Unjust provisions such as Section 12(1)b of the Indian Act have consequently been legislated. The Canadian Government should therefore officially recognize the authority of Indian governments to rectify the wrongs of Section 12(1)b by passing Indian legislation in accordance with the views expressed by the Federal Task Force on Canadian Unity. WITHOUT THE ENTRENCHMENT OF INDIAN GOVERNMENT RIGHTS IN THE CONSTITUTION THERE CAN BE NO JUSTICE FOR INDIANS. As the Task Force on Canadian Unity put it:

First, as both orders of government are currently involved in serious consideration of constitutional reform, we believe that IT IS NOW APPROPRIATE THAT SPECIFIC ATTENTION BE PAID TO THE ISSUE OF THE CONSTITUTIONAL POSITION OF THE FIRST CANADIANS. More specifically, both provincial and federal authorities should pursue direct discussions

with representatives of Canada's Indians, Inuit, and Metis, with a view to arriving at mutually acceptable constitutional provisions that would secure the rightful place of native people in Canadian society.

The National Indian Brotherhood supports the Indian women's position that women who have lost their status because of Section 12(1)b of the Indian Act should be allowed to retroactively regain their status. And their offspring must be given the opportunity to retroactively gain Indian status as well. THERE CAN BE NO JUSTICE WITHOUT RETROACTIVITY. All people who have lost Indian status because of Section 12(1)b must be given the chance to regain that status.

At the time the Canadian Government changes the Indian Act to retroactively include Indian women and their offspring as Indians under the law, the Government must also consider the full implications of its actions. The Canadian Government can not change one section of the Indian Act without looking at the effects those changes will have on the Indian people in our communities. We feel the wrong done to Indian women and their offspring cannot be undone by imposing further hardship on the rest of the Indian people.

Remember this: Indian communities have the poorest housing in Canada; Indian communities have the lowest income in Canada; Indian communities have the highest unemployment in Canada; Indian communities have the highest infant mortality rate; Indian communities have the highest educational drop-out rate; Indian communities have the highest rate of violent deaths; -- I could go on and on. The picture, I'm sure we'd all agree, is horrendous.

Remember also that when Indian women and their offspring who have lost their status because of Section 12(1)b retroactively gain Indian status this will mean a great increase in the Indian population. In order to deal with the matter justly, Parliamentarians will need to restore further resources, land and monies to Indian communities.

PARLIAMENTARIANS CAN ONLY RECTIFY THEIR PAST UNJUST ACTS BY LEGISLATING RESTITUTION AND COMPENSATION TO THOSE WOMEN AND CHILDREN WHO LOST THEIR STATUS THROUGH SECTION 12(1)B.

To do otherwise would be advocating the imposition of much greater hardship on the people who are already on the bottom of the Canadian socio-economic ladder. The Indian women's issue must not be taken out of context. The Canadian Government must not correct one wrong by creating even more wrongs and injustice.

No Indians ever urged white legislators to pass a law which discriminated against Indian women who married non-Indians. Indians were never interested in having the children of such unions discriminated against either.

Nevertheless the white man's law was imposed on the Indian people and over the years the original injustice has been aggravated. Those who fall under the jurisdiction of the Indian Act and those who have lost their status because of the Indian Act should be working together to combat a common enemy. Instead we have often been divided against each other on the basis of an unjust act by a white government.

The government has used this division to undermine our effectiveness. It has also attempted to use this discrimination against Indian women as justification for policies such as their 1969 White Paper. In other words, the Federal Government has attempted to use the unjust provisions of their own law as a rationale to get out of all obligations to Indian people. The Canadian Government must not be allowed to use the unjust provisions of their Indian Act for furthering unjust ends.

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STARBLANKET, Noel V.

Rights of Indian women and
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